

May 23, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROY D. CHEESMAN,

Plaintiff,

v.

KITTITAS COUNTY PROSECUTING  
ATTORNEY JODI MARIE HAMMOND,  
Defendant.

ROY D. CHEESMAN,

Plaintiff,

v.

KITTITAS COUNTY PROSECUTING  
ATTORNEY GREGORY LEE ZEMPEL,  
Defendant.

No. 1:19-cv-03059-SAB

No. 1:19-cv-03060-SAB

**ORDER DENYING MOTION  
FOR RECONSIDERATION;  
STRIKING PLEADINGS;  
CLOSING FILE**

On April 30, 2019, the Court dismissed Plaintiffs' Complaints with prejudice in the above-captioned cases and entered judgment in favor of Defendants. 1:19-cv-03059-SAB, ECF Nos. 7, 8; 1:19-cv-03060-SAB, ECF Nos. 12, 13. After judgment was entered, Plaintiff filed additional pleadings, asking the Court to order service and effectively asking the Court to reconsider its prior ruling. 1:19-cv-03059-SAB, ECF Nos. 9, 10; 1:19-cv-3060-SAB, ECF Nos. 14,

**ORDER DENYING MOTION FOR RECONSIDERATION; STRIKING  
PLEADINGS; CLOSING FILE ~ 1**

1 15, 16.

2 Generally, motions for reconsideration are disfavored. *See Carroll v.*  
3 *Nakatani*, 342 F.3d 934, 945 (9th Cir. 2003). Indeed, the Ninth Circuit has  
4 instructed that Rule 59(e) is an “extraordinary remedy” that should not be granted,  
5 absent highly unusual circumstances. *Id.* Such circumstances include where the  
6 district court is presented with newly discovered evidence, committed clear error,  
7 or if there is an intervening change in the controlling law. *Id.* (citing *Kona Enters.,*  
8 *Inc. v Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000)). Plaintiff has not met  
9 his burden and the Court declines to reconsider its prior rulings dismissing  
10 Plaintiff’s Complaints.

11 Accordingly, **IT IS HEREBY ORDERED:**

- 12 1. Plaintiff’s Motion for Reconsideration, 1:19-cv-3060-SAB, ECF No.  
13 15, is **DENIED**.
- 14 2. Plaintiff’s Plead for Marshal, 1:19-cv-03059-SAB, ECF No. 9, is  
15 **DENIED**, as moot.
- 16 3. Plaintiff’s Pleading Discretion to Order Waiver of Summons, 1:19-  
17 cv-03059-SAB, No. 10, is **DENIED**, as moot.
- 18 4. Plaintiff’s Plead for Marshal, 1:19-cv-3060-SAB, ECF No. 14, is  
19 **DENIED**, as moot.
- 20 5. Plaintiff’s Submission of Discovery Evidence, 1:19-cv-3060-SAB,  
21 ECF No. 16, is **STRICKEN**.

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**ORDER DENYING MOTION FOR RECONSIDERATION; STRIKING  
PLEADINGS; CLOSING FILE ~ 2**

1       6.     Plaintiff is instructed that the above-captioned cases are **closed** and he  
2       is not permitted to file any additional documents in these cases,  
3       except to file a Notice of Appeal.

4       7.     The District Court Executive is directed to return all documents to  
5       Plaintiff rather than file the documents in these cases, apart from any  
6       Notice to Appeal.

7       **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
8       forward copies to Plaintiff and close the file.

9       **DATED** this 23rd day of May 2019.

A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian  
United States District Judge